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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Case No.: 4:07-cv-05944 JST

MDL No. 1917

This document relates to:

*ALL INDIRECT PURCHASER ACTIONS*

**ANSWER OF IRICO GROUP CORP. TO  
INDIRECT PURCHASER PLAINTIFFS'  
FIFTH CONSOLIDATED AMENDED  
COMPLAINT**

Trial Date: None Set

ANSWER OF IRICO GROUP CORP. TO  
INDIRECT PURCHASER PLAINTIFFS' FIFTH  
CONSOLIDATED AMENDED COMPLAINT

MDL NO. 1917

1 Defendant Irico Group Corp. (“Group”), by and through its undersigned counsel of record,  
2 answer the Indirect Purchaser Plaintiffs’ (“Plaintiffs”) Fifth Consolidated Amended Complaint (the  
3 “Complaint”) and allege additional or affirmative defenses as follows. The Complaint contains  
4 numerous headings, which are not allegations and do not require a response from Group. For ease  
5 of reference, the headings in this Answer correspond to the headings in the Complaint. To the extent  
6 that any headings are construed as allegations, they are denied. Group denies each and every  
7 allegation in all portions of the Amended Complaint not contained in numbered paragraphs. To the  
8 extent that the Complaint’s allegations concern persons and/or entities other than Group, Group  
9 denies that such allegations support any claim for relief against Group.

#### 10 **I. INTRODUCTION**

11 1. Group admits that Plaintiffs purport to bring this case as a class action on behalf of  
12 the persons described in the first sentence of Paragraph 1 of the Complaint, but Group denies that  
13 this action is appropriate under Rule 23 of the Federal Rules of Civil Procedure. Group further denies  
14 that the “Class Period” defined by Plaintiffs is a properly defined class period. To the extent a  
15 response is required, Group denies the allegations in Paragraph 1 that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 1, and therefore denies the allegations.

18 2. The allegations in Paragraph 2 of the Complaint contain characterizations,  
19 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
20 response is required, Group denies the allegations in Paragraph 2 that are directed at Group. Group  
21 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
22 in Paragraph 2, and therefore denies the allegations.

23 3. The allegations in Paragraph 3 of the Complaint contain characterizations,  
24 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
25 response is required, Group denies the allegations in Paragraph 3 that are directed at Group. Group  
26 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
27 in Paragraph 3, and therefore denies the allegations.

1           4.     The allegations in Paragraph 4 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. Paragraph 4 also  
3 purports to quote or describe statements from the U.S. Department of Justice. Group states that the  
4 original statements are the best source for their full context and content. To the extent that a response  
5 is required, Group lacks sufficient knowledge or information to form a belief as to the truth of the  
6 allegations in Paragraph 4, and therefore denies the allegations.

## 7                                   **II. JURISDICTION AND VENUE**

8           5.     The allegations in Paragraph 5 of the Complaint contain characterizations,  
9 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
10 response is required, Group denies the allegations in Paragraph 5 in their entirety, except admits that  
11 Plaintiffs purport to base jurisdiction on the statutes identified therein.

12          6.     The allegations in Paragraph 6 of the Complaint contain legal conclusions to which  
13 no responsive pleading is required. To the extent that a response is required, Group denies the  
14 allegations in Paragraph 6 in their entirety, except admits that Plaintiffs purport to base jurisdiction  
15 on the statutes identified therein.

16          7.     The allegations in Paragraph 7 of the Complaint contain legal conclusions to which  
17 no responsive pleading is required. To the extent that a response is required, Group denies the  
18 allegations in Paragraph 7 in their entirety, except admits that Plaintiffs purport to base jurisdiction  
19 on the statutes identified therein.

20          8.     The allegations in Paragraph 8 of the Complaint contain characterizations,  
21 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
22 response is required, Group denies that it resides in this judicial district or is licensed to do business  
23 in this judicial district. Group lacks sufficient knowledge or information to form a belief as to the  
24 truth of the remaining allegations in Paragraph 8, and therefore denies the allegations.

25          9.     The allegations in Paragraph 9 of the Complaint contain characterizations,  
26 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
27 response is required, Group denies the allegations in Paragraph 9 that are directed at Group. Group  
28

1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 in Paragraph 9, and therefore denies the allegations.

3 10. The allegations in Paragraph 10 of the Complaint and its subparts contain  
4 characterizations, conclusions, and legal argument to which no responsive pleading is required. To  
5 the extent that a response is required, Group denies the allegations in Paragraph 10 that are directed  
6 at Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
7 remaining allegations in Paragraph 10, and therefore denies the allegations.

8 11. The allegations in Paragraph 11 of the Complaint contain characterizations,  
9 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
10 response is required, Group denies the allegations in Paragraph 11 that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 11, and therefore denies the allegations.

13 12. The allegations in Paragraph 12 of the Complaint contain characterizations,  
14 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
15 response is required, Group denies the allegations in Paragraph 12 that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 12, and therefore denies the allegations.

### 18 **III. DEFINITIONS**

19 13. The allegations in the first sentence of Paragraph 13 of the Complaint are an  
20 explanation of terminology for which no responsive pleading is required. To the extent that a  
21 response is required, Group denies that such definitions are accurate or complete. The remaining  
22 allegations in Paragraph 13 contain characterizations to which no responsive pleading is required.  
23 To the extent a response is required, Group admits that the remaining allegations in Paragraph 13  
24 purport to describe terminology related to CRTs, but Group denies that such descriptions are  
25 accurate or complete.

26 14. The allegations in the first sentence of Paragraph 14 of the Complaint contain  
27 characterizations to which no responsive pleading is required. To the extent that a response is  
28 required, Group admits that the allegations in the first sentence of Paragraph 14 purport to describe

1 terminology related to CRTs, but Group denies that such descriptions are accurate or complete. The  
2 allegations in the second sentence of Paragraph 14 are an explanation of terminology for which no  
3 responsive pleading is required. To the extent that a response is required, Group denies that such  
4 definitions are accurate or complete, and therefore denies the allegations.

5 15. The allegations in Paragraph 15 of the Complaint are an explanation of terminology  
6 for which no responsive pleading is required. To the extent that a response is required, Group denies  
7 that such definitions are accurate or complete, and therefore denies the allegations.

8 16. The allegations in Paragraph 16 of the Complaint are an explanation of terminology  
9 for which no responsive pleading is required. To the extent that a response is required, Group admits  
10 that the allegations in Paragraph 16 purport to define a “Class Period” and “relevant period,” but  
11 Group denies that the “Class Period” or “relevant period” as defined by Plaintiffs is a properly  
12 defined period and denies any inference that would be taken from such definition.

13 17. Paragraph 17 describes the terminology used in the Complaint, to which no response  
14 is required. To the extent that a response is required, Group admits that Plaintiffs purport to define  
15 “Person,” but denies that such term is properly defined.

16 18. Paragraph 18 describes the terminology used in the Complaint, to which no response  
17 is required. To the extent that a response is required, Group admits that Plaintiffs purport to define  
18 “OEM,” but denies that such term is properly defined.

#### 19 **IV. PLAINTIFFS**

20 19. Group lacks sufficient knowledge or information to form a belief as to the truth of  
21 the allegations in Paragraph 19 of the Complaint, and therefore denies the allegations.

22 20. Group lacks sufficient knowledge or information to form a belief as to the truth of  
23 the allegations in Paragraph 20 of the Complaint, and therefore denies the allegations.

24 21. Group lacks sufficient knowledge or information to form a belief as to the truth of  
25 the allegations in Paragraph 21 of the Complaint, and therefore denies the allegations.

26 22. Group lacks sufficient knowledge or information to form a belief as to the truth of  
27 the allegations in Paragraph 22 of the Complaint, and therefore denies the allegations.  
28

1           23.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
2 the allegations in Paragraph 23 of the Complaint, and therefore denies the allegations.

3           24.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
4 the allegations in Paragraph 24 of the Complaint, and therefore denies the allegations.

5           25.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
6 the allegations in Paragraph 25 of the Complaint, and therefore denies the allegations.

7           26.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
8 the allegations in Paragraph 26 of the Complaint, and therefore denies the allegations.

9           27.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
10 the allegations in Paragraph 27 of the Complaint, and therefore denies the allegations.

11          28.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
12 the allegations in Paragraph 28 of the Complaint, and therefore denies the allegations.

13          29.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
14 the allegations in Paragraph 29 of the Complaint, and therefore denies the allegations.

15          30.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
16 the allegations in Paragraph 30 of the Complaint, and therefore denies the allegations.

17          31.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
18 the allegations in Paragraph 31 of the Complaint, and therefore denies the allegations.

19          32.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
20 the allegations in Paragraph 32 of the Complaint, and therefore denies the allegations.

21          33.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
22 the allegations in Paragraph 33 of the Complaint, and therefore denies the allegations.

23          34.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
24 the allegations in Paragraph 34 of the Complaint, and therefore denies the allegations.

25          35.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
26 the allegations in Paragraph 35 of the Complaint, and therefore denies the allegations.

27          36.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
28 the allegations in Paragraph 36 of the Complaint, and therefore denies the allegations.

1           37.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
2 the allegations in Paragraph 37 of the Complaint, and therefore denies the allegations.

3           38.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
4 the allegations in Paragraph 38 of the Complaint, and therefore denies the allegations.

5           39.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
6 the allegations in Paragraph 39 of the Complaint, and therefore denies the allegations.

7           40.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
8 the allegations in Paragraph 40 of the Complaint, and therefore denies the allegations.

9           41.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
10 the allegations in Paragraph 41 of the Complaint, and therefore denies the allegations.

11          42.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
12 the allegations in Paragraph 42 of the Complaint, and therefore denies the allegations.

13          43.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
14 the allegations in Paragraph 43 of the Complaint, and therefore denies the allegations.

15          44.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
16 the allegations in Paragraph 44 of the Complaint, and therefore denies the allegations.

17          45.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
18 the allegations in Paragraph 45 of the Complaint, and therefore denies the allegations.

19          46.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
20 the allegations in Paragraph 46 of the Complaint, and therefore denies the allegations.

21          47.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
22 the allegations in Paragraph 47 of the Complaint, and therefore denies the allegations.

23          48.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
24 the allegations in Paragraph 48 of the Complaint, and therefore denies the allegations.

25          49.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
26 the allegations in Paragraph 49 of the Complaint, and therefore denies the allegations.

**V. DEFENDANTS**

50. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 50 of the Complaint, and therefore denies the allegations.

51. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 51 of the Complaint, and therefore denies the allegations.

52. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 52 of the Complaint, and therefore denies the allegations.

53. Paragraph 53 describes the terminology used in the Complaint, to which no response is required.

54. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 54 of the Complaint, and therefore denies the allegations.

55. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 55 of the Complaint, and therefore denies the allegations.

56. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 56 of the Complaint, and therefore denies the allegations.

57. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 56 of the Complaint, and therefore denies the allegations.

58. Paragraph 58 describes the terminology used in the Complaint, to which no response is required.

59. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 59 of the Complaint, and therefore denies the allegations.

60. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 60 of the Complaint, and therefore denies the allegations.

61. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 61 of the Complaint, and therefore denies the allegations.

62. Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 62 of the Complaint, and therefore denies the allegations.



1           63.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
2 the allegations in Paragraph 63 of the Complaint, and therefore denies the allegations.

3           64.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
4 the allegations in Paragraph 64 of the Complaint, and therefore denies the allegations.

5           65.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
6 the allegations in Paragraph 65 of the Complaint, and therefore denies the allegations.

7           66.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
8 the allegations in Paragraph 66 of the Complaint, and therefore denies the allegations.

9           67.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
10 the allegations in Paragraph 67 of the Complaint, and therefore denies the allegations.

11          68.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
12 the allegations in Paragraph 68 of the Complaint, and therefore denies the allegations.

13          69.     Paragraph 69 describes the terminology used in the Complaint, to which no response  
14 is required.

15          70     Group lacks sufficient knowledge or information to form a belief as to the truth of  
16 the allegations in Paragraph 70 of the Complaint, and therefore denies the allegations.

17          71.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
18 the allegations in Paragraph 71 of the Complaint, and therefore denies the allegations.

19          72.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
20 the allegations in Paragraph 72 of the Complaint, and therefore denies the allegations.

21          73.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
22 the allegations in Paragraph 73 of the Complaint, and therefore denies the allegations.

23          74.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
24 the allegations in Paragraph 74 of the Complaint, and therefore denies the allegations.

25          75.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
26 the allegations in Paragraph 75 of the Complaint, and therefore denies the allegations.

27          76.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
28 the allegations in Paragraph 76 of the Complaint, and therefore denies the allegations.

1           77. Paragraph 77 describes the terminology used in the Complaint, to which no response  
2 is required.

3           78. Group lacks sufficient knowledge or information to form a belief as to the truth of  
4 the allegations in Paragraph 78 of the Complaint, and therefore denies the allegations.

5           79. Group lacks sufficient knowledge or information to form a belief as to the truth of  
6 the allegations in Paragraph 79 of the Complaint, and therefore denies the allegations.

7           80. Group lacks sufficient knowledge or information to form a belief as to the truth of  
8 the allegations in Paragraph 80 of the Complaint, and therefore denies the allegations.

9           81. Paragraph 81 describes the terminology used in the Complaint, to which no response  
10 is required.

11           82. Group lacks sufficient knowledge or information to form a belief as to the truth of  
12 the allegations in Paragraph 82 of the Complaint, and therefore denies the allegations.

13           83. Group lacks sufficient knowledge or information to form a belief as to the truth of  
14 the allegations in Paragraph 83 of the Complaint, and therefore denies the allegations.

15           84. Group lacks sufficient knowledge or information to form a belief as to the truth of  
16 the allegations in Paragraph 84 of the Complaint, and therefore denies the allegations.

17           85. Group lacks sufficient knowledge or information to form a belief as to the truth of  
18 the allegations in Paragraph 85 of the Complaint, and therefore denies the allegations.

19           86. Group lacks sufficient knowledge or information to form a belief as to the truth of  
20 the allegations in Paragraph 86 of the Complaint, and therefore denies the allegations.

21           87. Group lacks sufficient knowledge or information to form a belief as to the truth of  
22 the allegations in Paragraph 87 of the Complaint, and therefore denies the allegations.

23           88. Group lacks sufficient knowledge or information to form a belief as to the truth of  
24 the allegations in Paragraph 88 of the Complaint, and therefore denies the allegations.

25           89. Group lacks sufficient knowledge or information to form a belief as to the truth of  
26 the allegations in Paragraph 89 of the Complaint, and therefore denies the allegations.

27           90. Paragraph 90 describes the terminology used in the Complaint, to which no response  
28 is required.

1           91.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
2 the allegations in Paragraph 91 of the Complaint, and therefore denies the allegations.

3           92.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
4 the allegations in Paragraph 92 of the Complaint, and therefore denies the allegations.

5           93.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
6 the allegations in Paragraph 93 of the Complaint, and therefore denies the allegations.

7           94.     Paragraph 94 describes the terminology used in the Complaint, to which no response  
8 is required.

9           95.     Group admits that it is a Chinese entity with its headquarters located at the address in  
10 Xianyang, Shaanxi Province, People's Republic of China listed in Paragraph 95. Group also admits  
11 that some related entities were involved in the manufacturing, distribution, and sale of color pictures  
12 tubes and/or color display tubes but denies the remaining allegations in the second sentence of  
13 Paragraph 95. Group denies the allegations in the third sentence of Paragraph 95.

14           96.     Group admits that as of November 27, 2007, the allegations in the first sentence of  
15 Paragraph 96 of the Complaint were correct. Regarding the second sentence of Paragraph 96, Group  
16 admits that it has an ownership interest in Display but denies the remaining allegations. Group lacks  
17 sufficient knowledge or information to form a belief as to the truth of the allegations in the third  
18 sentence of Paragraph 96, and therefore denies the allegations. Group denies the allegations in the  
19 fourth and fifth sentences of Paragraph 96.

20           97.     Group admits that as of November 27, 2007, Irico Group Electronics Co., Ltd. was  
21 located at the address listed in the first sentence of Paragraph 97 of the Complaint. Group further  
22 admits that Electronics was a majority-owned subsidiary of Group as of November 27, 2007. Group  
23 denies the allegations in the third, fourth, and fifth sentences of Paragraph 97.

24           98.     Paragraph 98 describes the terminology used in the Complaint, to which no response  
25 is required.

26           99.     Group lacks sufficient knowledge or information to form a belief as to the truth of  
27 the allegations in Paragraph 99 of the Complaint, and therefore denies the allegations.  
28

1           100. Group lacks sufficient knowledge or information to form a belief as to the truth of  
2 the allegations in Paragraph 100 of the Complaint, and therefore denies the allegations.

3           101. Group lacks sufficient knowledge or information to form a belief as to the truth of  
4 the allegations in Paragraph 101 of the Complaint, and therefore denies the allegations.

5           102. Paragraph 102 describes the terminology used in the Complaint, to which no response  
6 is required.

7           103. Paragraph 103 describes the terminology used in the Complaint, to which no response  
8 is required.

9                                   **VI. AGENTS AND CO-CONSPIRATORS**

10           104. The allegations in Paragraph 104 of the Complaint contain characterizations,  
11 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
12 response is required, Group denies the allegations in Paragraph 104 that are directed at Group. Group  
13 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
14 in Paragraph 104, and therefore denies the allegations.

15           105. Group lacks sufficient knowledge or information to form a belief as to the truth of  
16 the allegations in Paragraph 105 of the Complaint, and therefore denies the allegations.

17           106. Group lacks sufficient knowledge or information to form a belief as to the truth of  
18 the allegations in Paragraph 106 of the Complaint, and therefore denies the allegations.

19           107. Paragraph 107 describes the terminology used in the Complaint, to which no response  
20 is required.

21           108. Group lacks sufficient knowledge or information to form a belief as to the truth of  
22 the allegations in Paragraph 108 of the Complaint, and therefore denies the allegations.

23           109. Group lacks sufficient knowledge or information to form a belief as to the truth of  
24 the allegations in Paragraph 109 of the Complaint, and therefore denies the allegations.

25           110. Group lacks sufficient knowledge or information to form a belief as to the truth of  
26 the allegations in Paragraph 110 of the Complaint, and therefore denies the allegations.

27           111. Group lacks sufficient knowledge or information to form a belief as to the truth of  
28 the allegations in Paragraph 111 of the Complaint, and therefore denies the allegations.

1           112. Paragraph 112 describes the terminology used in the Complaint, to which no response  
2 is required.

3           113. The allegations in Paragraph 113 of the Complaint contain characterizations,  
4 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
5 response is required, Group denies the allegations in Paragraph 113 that are directed at Group. Group  
6 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
7 in Paragraph 113, and therefore denies the allegations.

8           114. The allegations in Paragraph 114 of the Complaint contain characterizations,  
9 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
10 response is required, Group denies the allegations in Paragraph 114 that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 114, and therefore denies the allegations.

13           115. The allegations in Paragraph 115 of the Complaint contain characterizations,  
14 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
15 response is required, Group denies the allegations in Paragraph 115 that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 115, and therefore denies the allegations.

18                           **VII. INTERSTATE TRADE AND COMMERCE**

19           116. The allegations in Paragraph 116 of the Complaint contain characterizations,  
20 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
21 response is required, Group denies the allegations in Paragraph 116 that are directed at Group. Group  
22 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
23 in Paragraph 116, and therefore denies the allegations.

24           117. The allegations in Paragraph 117 of the Complaint contain characterizations,  
25 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
26 response is required, Group denies the allegations in Paragraph 117 that are directed at Group. Group  
27 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
28 in Paragraph 117, and therefore denies the allegations.

1           118. The allegations in Paragraph 118 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
3 response is required, Group denies the allegations in Paragraph 118 that are directed at Group. Group  
4 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
5 in Paragraph 118, and therefore denies the allegations.

#### 6                                   **VIII. FACTUAL ALLEGATIONS**

7           119. Group admits that the allegations in Paragraph 119 of the Complaint generally  
8 describe CRT technology but denies that these descriptions are accurate or complete.

9           120. Group admits that the allegations in Paragraph 120 of the Complaint generally  
10 describe CRT technology but denies that these descriptions are accurate or complete.

11           121. Group admits that the allegations in Paragraph 121 of the Complaint generally  
12 describe CRT technology but denies that these descriptions are accurate or complete.

13           122. The allegations in Paragraph 122 of the Complaint contain characterizations,  
14 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
15 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
16 of the allegations in Paragraph 122, and therefore denies the allegations.

17           123. The allegations in Paragraph 123 of the Complaint contain characterizations,  
18 conclusions, and legal argument which no responsive pleading is required. To the extent that a  
19 response is required, Group denies the allegations in Paragraph 123 that are directed at Group. Group  
20 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
21 in Paragraph 123, and therefore denies the allegations.

22           124. The allegations in Paragraph 124 of the Complaint contain characterizations,  
23 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
24 response is required, Group denies the allegations in Paragraph 124 that are directed at Group. Group  
25 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
26 in Paragraph 124, and therefore denies the allegations.

27           125. The allegations in Paragraph 125 of the Complaint contain characterizations,  
28 conclusions, and legal argument to which no responsive pleading is required. To the extent that a

1 response is required, Group denies the allegations in Paragraph 125 that are directed at Group. Group  
2 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
3 in Paragraph 125, and therefore denies the allegations.

4 126. The allegations in Paragraph 126 of the Complaint contain characterizations,  
5 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
6 response is required, Group denies the allegations in Paragraph 126 that are directed at Group. Group  
7 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
8 in Paragraph 126, and therefore denies the allegations.

9 127. The allegations in Paragraph 127 of the Complaint contain characterizations,  
10 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
11 response is required, Group denies the allegations in Paragraph 127 of the that are directed at Group.  
12 Group lacks sufficient knowledge or information to form a belief as to the truth of the remaining  
13 allegations in Paragraph 127, and therefore denies the allegations.

14 128. Group denies the allegations in Paragraph 128 of the Complaint that are directed at  
15 Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
16 remaining allegations in Paragraph 128, and therefore denies the allegations.

17 129. The allegations in Paragraph 129 of the Complaint contain characterizations,  
18 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
19 response is required, Group denies the allegations in Paragraph 129 that are directed at Group. Group  
20 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
21 in Paragraph 129, and therefore denies the allegations.

22 130. Group denies the allegations in Paragraph 130 of the Complaint, including all  
23 subparts, that are directed at Group. Group lacks sufficient knowledge or information to form a belief  
24 as to the truth of the remaining allegations in Paragraph 130, and therefore denies the allegations.

25 131. The allegations in Paragraph 131 of the Complaint contain characterizations,  
26 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
27 response is required, Group denies the allegations.  
28



1           132. The allegations in Paragraph 132 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
3 response is required, Group denies the allegations.

4           133. Group denies the allegations in Paragraph 133 of the Complaint that are directed at  
5 Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
6 remaining allegations in Paragraph 133, and therefore denies the allegations.

7           134. Group denies the allegations in Paragraph 134 of the Complaint that are directed at  
8 Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
9 remaining allegations in Paragraph 134, and therefore denies the allegations.

10          135. Group denies the allegations in Paragraph 135 of the Complaint that are directed at  
11 Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
12 remaining allegations in Paragraph 135 and therefore denies the allegations.

13          136. Group lacks sufficient knowledge or information to form a belief as to the truth of  
14 the allegations in Paragraph 136 of the Complaint, and therefore denies the allegations.

15          137. Group lacks sufficient knowledge or information to form a belief as to the truth of  
16 the allegations in Paragraph 137 of the Complaint, and therefore denies the allegations.

17          138. The allegations in Paragraph 138 of the Complaint contain characterizations,  
18 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
19 response is required, Group denies the allegations in Paragraph 138 that are directed at Group. Group  
20 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
21 in Paragraph 138, and therefore denies the allegations.

22          139. The allegations in Paragraph 139 of the Complaint contain characterizations,  
23 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
24 response is required, Group denies the allegations in Paragraph 139 that are directed at Group. Group  
25 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
26 in Paragraph 139, and therefore denies the allegations.

27          140. The allegations in Paragraph 140 of the Complaint contain characterizations,  
28 conclusions, and legal argument to which no responsive pleading is required. To the extent that a



1 response is required, Group denies the allegations in Paragraph 140 that are directed at Group. Group  
2 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
3 in Paragraph 140, and therefore denies the allegations.

4 141. Group lacks sufficient knowledge or information to form a belief as to the truth of  
5 the allegations in Paragraph 141 of the Complaint, and therefore denies the allegations.

6 142. The allegations in Paragraph 142 of the Complaint contain characterizations,  
7 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
8 response is required, Group denies the allegations in Paragraph 142 that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 142, and therefore denies the allegations.

11 143. The allegations in Paragraph 143 of the Complaint contain characterizations,  
12 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
13 response is required, Group denies the allegations in Paragraph 143 that are directed at Group. Group  
14 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
15 in Paragraph 143, and therefore denies the allegations.

16 144. The allegations in Paragraph 144 of the Complaint contain characterizations,  
17 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
18 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
19 of the allegations in Paragraph 144, and therefore denies the allegations.

20 145. The allegations in Paragraph 145 of the Complaint contain characterizations,  
21 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
22 response is required, Group denies the allegations in Paragraph 145 that are directed at Group. Group  
23 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
24 in Paragraph 145, and therefore denies the allegations.

25 146. The allegations in Paragraph 146 of the Complaint contain characterizations,  
26 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
27 response is required, Group denies the allegations.  
28

1           147. The allegations in Paragraph 147 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
3 response is required, Group denies the allegations in Paragraph 147 that are directed at Group. Group  
4 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
5 in Paragraph 147, and therefore denies the allegations.

6           148. The allegations in Paragraph 148 of the Complaint contain characterizations,  
7 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
8 response is required, Group denies the allegations in Paragraph 148 that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 148, and therefore denies the allegations.

11           149. The allegations in Paragraph 149 of the Complaint contain characterizations,  
12 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
13 response is required, Group denies the allegations in Paragraph 149 that are directed at Group. Group  
14 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
15 in Paragraph 149, and therefore denies the allegations.

16           150. The allegations in Paragraph 150 of the Complaint, including all subparts, contain  
17 characterizations, conclusions, and legal argument to which no responsive pleading is required. To  
18 the extent that a response is required, Group denies the allegations in Paragraph 150 that are directed  
19 at Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
20 remaining allegations in Paragraph 150, and therefore denies the allegations.

21           151. The allegations in Paragraph 151 of the Complaint contain characterizations,  
22 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
23 response is required, Group denies the allegations in Paragraph 151 that are directed at Group. Group  
24 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
25 in Paragraph 151, and therefore denies the allegations.

26           152. The allegations in Paragraph 152 of the Complaint contain characterizations,  
27 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
28 response is required, Group denies the allegations in Paragraph 152 that are directed at Group. Group

1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 in Paragraph 152, and therefore denies the allegations.

3 153. Group denies the allegations in Paragraph 153 that are directed at Group. Group lacks  
4 sufficient knowledge or information to form a belief as to the truth of the remaining allegations in  
5 Paragraph 153, and therefore denies the allegations.

6 154. The allegations in Paragraph 154 of the Complaint contain characterizations,  
7 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
8 response is required, Group denies the allegations in Paragraph 154 that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 154, and therefore denies the allegations.

11 155. The allegations in Paragraph 155 of the Complaint contain characterizations,  
12 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
13 response is required, Group denies the allegations in Paragraph 155 that are directed at Group. Group  
14 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
15 in Paragraph 155, and therefore denies the allegations.

16 156. The allegations in Paragraph 156 of the Complaint contain characterizations,  
17 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
18 response is required, Group denies the allegations in Paragraph 156 that are directed at Group. Group  
19 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
20 in Paragraph 156, and therefore denies the allegations.

21 157. The allegations in Paragraph 157 of the Complaint contain characterizations,  
22 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
23 response is required, Group denies the allegations in Paragraph 157 that are directed at Group. Group  
24 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
25 in Paragraph 157, and therefore denies the allegations.

26 158. The allegations in Paragraph 158 of the Complaint, including all subparts, contain  
27 characterizations, conclusions, and legal argument to which no responsive pleading is required. To  
28 the extent that a response is required, Group denies the allegations in Paragraph 158 that are directed

1 at Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
2 remaining allegations in Paragraph 158, and therefore denies the allegations.

3 159. The allegations in Paragraph 159 of the Complaint, including all subparts, contain  
4 characterizations, conclusions, and legal argument to which no responsive pleading is required. To  
5 the extent that a response is required, Group denies the allegations in Paragraph 159 that are directed  
6 at Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
7 remaining allegations in Paragraph 159, and therefore denies the allegations.

8 160. The allegations in Paragraph 160 of the Complaint contain characterizations,  
9 conclusions, and legal argument to which no responsive pleading is required. The second sentence  
10 of Paragraph 160 purports to quote or describe statements by governmental authorities. Group states  
11 that the original statements are the best source for their full content and context. To the extent that a  
12 response is required, Group denies the allegations in Paragraph 160 that are directed at Group. Group  
13 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
14 in Paragraph 160, and therefore denies the allegations.

15 161. The allegations in Paragraph 161 of the Complaint contain characterizations,  
16 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
17 response is required, Group denies the allegations in Paragraph 161 that are directed at Group. Group  
18 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
19 in Paragraph 161, and therefore denies the allegations.

20 162. The allegations in Paragraph 162 of the Complaint contain characterizations,  
21 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
22 response is required, Group denies the allegations in Paragraph 162 that are directed at Group. Group  
23 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
24 in Paragraph 162, and therefore denies the allegations.

25 163. The allegations in Paragraph 163 of the Complaint contain characterizations,  
26 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
27 response is required, Group denies the allegations in Paragraph 163 that are directed at Group. Group  
28

1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 in Paragraph 163, and therefore denies the allegations.

3 164. The allegations in Paragraph 164 of the Complaint contain characterizations,  
4 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
5 response is required, Group denies the allegations in Paragraph 164 that are directed at Group. Group  
6 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
7 in Paragraph 164, and therefore denies the allegations.

8 165. The allegations in Paragraph 165 of the Complaint contain characterizations,  
9 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
10 response is required, Group denies the allegations in Paragraph 165 that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 165, and therefore denies the allegations.

13 166. The allegations in Paragraph 166 of the Complaint contain characterizations,  
14 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
15 response is required, Group denies the allegations in Paragraph 166 that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 166, and therefore denies the allegations.

18 167. The allegations in Paragraph 167 of the Complaint contain characterizations,  
19 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
20 response is required, Group denies the allegations in Paragraph 167 that are directed at Group. Group  
21 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
22 in Paragraph 167, and therefore denies the allegations.

23 168. The allegations in Paragraph 168 of the Complaint contain characterizations,  
24 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
25 response is required, Group denies the allegations in Paragraph 168 that are directed at Group. Group  
26 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
27 in Paragraph 168, and therefore denies the allegations.  
28

1           169. The allegations in Paragraph 169 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
3 response is required, Group denies the allegations in Paragraph 169 that are directed at Group. Group  
4 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
5 in Paragraph 169, and therefore denies the allegations.

6           170. The allegations in Paragraph 170 of the Complaint contain characterizations,  
7 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
8 response is required, Group denies the allegations in Paragraph 170 that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 170, and therefore denies the allegations.

11           171. The allegations in Paragraph 171 of the Complaint contain characterizations,  
12 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
13 response is required, Group denies the allegations in Paragraph 171 that are directed at Group. Group  
14 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
15 in Paragraph 171, and therefore denies the allegations.

16           172. The allegations in Paragraph 172 of the Complaint contain characterizations,  
17 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
18 response is required, Group denies the allegations in Paragraph 172 that are directed at Group. Group  
19 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
20 in Paragraph 172, and therefore denies the allegations.

21           173. The allegations in Paragraph 173 of the Complaint contain characterizations,  
22 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
23 response is required, Group denies the allegations in Paragraph 173 that are directed at Group. Group  
24 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
25 in Paragraph 173, and therefore denies the allegations.

26           174. The allegations in Paragraph 174 of the Complaint contain characterizations,  
27 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
28 response is required, Group denies the allegations in Paragraph 174 that are directed at Group. Group

1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 in Paragraph 174, and therefore denies the allegations.

3 175. The allegations in Paragraph 175 of the Complaint contain characterizations,  
4 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
5 response is required, Group denies the allegations in Paragraph 175 that are directed at Group. Group  
6 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
7 in Paragraph 175, and therefore denies the allegations.

8 176. The allegations in Paragraph 176 of the Complaint contain characterizations,  
9 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
10 response is required, Group denies the allegations in Paragraph 176 that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 176, and therefore denies the allegations.

13 177. The allegations in Paragraph 177 of the Complaint contain characterizations,  
14 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
15 response is required, Group denies the allegations in Paragraph 177 that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 177, and therefore denies the allegations.

18 178. The allegations in Paragraph 178 of the Complaint contain characterizations,  
19 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
20 response is required, Group denies the allegations in Paragraph 178 that are directed at Group. Group  
21 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
22 in Paragraph 178, and therefore denies the allegations.

23 179. The allegations in Paragraph 179 of the Complaint contain characterizations,  
24 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
25 response is required, Group denies the allegations in Paragraph 179 that are directed at Group. Group  
26 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
27 in Paragraph 179, and therefore denies the allegations.  
28



1           180. The allegations in Paragraph 180 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
3 response is required, Group denies the allegations in Paragraph 180 that are directed at Group. Group  
4 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
5 in Paragraph 180, and therefore denies the allegations.

6           181. The allegations in Paragraph 181 of the Complaint contain characterizations,  
7 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
8 response is required, Group denies the allegations in Paragraph 181 that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 181, and therefore denies the allegations.

11           182. The allegations in Paragraph 182 of the Complaint contain characterizations,  
12 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
13 response is required, Group denies the allegations in Paragraph 182 that are directed at Group. Group  
14 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
15 in Paragraph 182, and therefore denies the allegations.

16           183. The allegations in Paragraph 183 of the Complaint contain characterizations,  
17 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
18 response is required, Group denies the allegations in Paragraph 183 that are directed at Group. Group  
19 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
20 in Paragraph 183, and therefore denies the allegations.

21           184. The allegations in Paragraph 184 of the Complaint contain characterizations,  
22 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
23 response is required, Group denies the allegations in Paragraph 184 that are directed at Group. Group  
24 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
25 in Paragraph 184, and therefore denies the allegations.

26           185. The allegations in Paragraph 185 of the Complaint contain characterizations,  
27 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
28 response is required, Group denies the allegations in Paragraph 185 that are directed at Group. Group



1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 in Paragraph 185, and therefore denies the allegations.

3 186. The allegations in Paragraph 186 of the Complaint contain characterizations,  
4 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
5 response is required, Group denies the allegations in Paragraph 186 that are directed at Group. Group  
6 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
7 in Paragraph 186, and therefore denies the allegations.

8 187. The allegations in Paragraph 187 of the Complaint contain characterizations,  
9 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
10 response is required, Group denies the allegations in Paragraph 187 that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 187, and therefore denies the allegations.

13 188. The allegations in Paragraph 188 of the Complaint contain characterizations,  
14 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
15 response is required, Group denies the allegations in Paragraph 188 that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 188, and therefore denies the allegations.

18 189. Paragraph 189 of the Complaint purports to quote or describe statements from an  
19 unnamed industry source. Group states that the original statements are the best source for their full  
20 content and context. Group lacks sufficient knowledge or information to form a belief as to the truth  
21 of the allegations in Paragraph 189, and therefore denies the allegations.

22 190. The allegations in Paragraph 190 of the Complaint contain characterizations,  
23 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
24 response is required, Group denies the allegations in Paragraph 190 that are directed at Group. Group  
25 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
26 in Paragraph 190, and therefore denies the allegations.

27 191. The allegations in Paragraph 191 of the Complaint contain characterizations,  
28 conclusions, and legal argument to which no responsive pleading is required. To the extent that a

1 response is required, Group denies the allegations in Paragraph 191 that are directed at Group. Group  
2 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
3 in Paragraph 191, and therefore denies the allegations.

4 192. The allegations in Paragraph 192 of the Complaint contain characterizations,  
5 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
6 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
7 of the allegations in Paragraph 192, and therefore denies the allegations.

8 193. Paragraph 193 of the Complaint purports to quote or describe statements from a  
9 Stanford resources, Inc. Group states that the original statements are the best source for their full  
10 content and context. Group lacks sufficient knowledge or information to form a belief as to the truth  
11 of the allegations in Paragraph 193, and therefore denies the allegations.

12 194. Group lacks sufficient knowledge or information to form a belief as to the truth of  
13 the allegations in Paragraph 194 of the Complaint, and therefore denies the allegations. The second  
14 and third sentences of Paragraph 194 purport to quote or describe reports from Fuji Chimera  
15 Research. Group states that the original reports are the best source for their full content and context.  
16 To the extent a response is required, Group lacks sufficient knowledge or information to form a  
17 belief as to the truth of the remaining allegations in Paragraph 194, and therefore denies the  
18 allegations.

19 195. The allegations in the first sentence of Paragraph 195 of the Complaint contain  
20 characterizations, conclusions, and legal argument to which no responsive pleading is required. To  
21 the extent that a response is required, Group denies the allegations in first sentence of Paragraph 195 that are  
22 directed at Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
23 remaining allegations in the first sentence of Paragraph 195, and therefore denies the allegations. The  
24 remaining allegations of Paragraph 195 purport to quote or describe analyst reports. Group states  
25 that the original reports are the best source for their full content and context. To the extent that a  
26 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
27 of the remaining allegations in Paragraph 195, and therefore denies the allegations.  
28

1           196. The allegations in Paragraph 196 purport to quote or describe statements from  
2 industry sources. Group states that the original statements are the best source for its full content and  
3 context. To the extent a response is required, Group lacks sufficient knowledge or information to  
4 form a belief as to the truth of the allegations and therefore denies the allegations.

5           197. Group lacks sufficient knowledge or information to form a belief as to the truth of  
6 the allegations in the first and second sentences of Paragraph 197 of the Complaint, and therefore  
7 denies the allegations. The third sentence of Paragraph 197 contains characterizations, conclusions,  
8 and legal argument to which no responsive pleading is required. To the extent that a response is  
9 required, Group denies the allegations that are directed at Group. Group lacks sufficient knowledge  
10 or information to form a belief as to the truth of the remaining allegations, and therefore denies the  
11 allegations.

12           198. Group lacks sufficient knowledge or information to form a belief as to the truth of  
13 the allegations in Paragraph 198 of the Complaint, and therefore denies the allegations. The second  
14 sentence of Paragraph 198 purports to quote or describe an article from Infotech Weekly. Group  
15 states that the original article is the best source for its full content and context. To the extent a  
16 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
17 of the allegations and therefore denies the allegations.

18           199. The allegations in Paragraph 199 purport to quote or describe an article from BNET  
19 Business Network. Group states that the original article is the best source for its full content and  
20 context. To the extent a response is required, Group lacks sufficient knowledge or information to  
21 form a belief as to the truth of the allegations and therefore denies the allegations.

22           200. The allegations in Paragraph 200 purport to quote or describe an article from  
23 Techtree.com. Group states that the original article is the best source for its full content and context.  
24 To the extent a response is required, Group lacks sufficient knowledge or information to form a  
25 belief as to the truth of the allegations and therefore denies the allegations.

26           201. The allegations in Paragraph 201 of the Complaint contain characterizations,  
27 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
28 response is required, Group denies the allegations in Paragraph 201 that are directed at Group. Group

1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 in Paragraph 201, and therefore denies the allegations.

3 202. The allegations in Paragraph 202 of the Complaint contain characterizations,  
4 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
5 response is required, Group denies the allegations in Paragraph 202 that are directed at Group. Group  
6 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
7 in Paragraph 202, and therefore denies the allegations.

8 203. The allegations in the first sentence of Paragraph 203 of the Complaint contain  
9 characterizations, conclusions, and legal argument to which no responsive pleading is required. The  
10 second sentence purports to quote or describe statements by the president of a television maker.  
11 Group states that the original statements are the best source for their full content and context. To the  
12 extent that a response is required, Group denies the allegations in Paragraph 203 that are directed at  
13 Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the  
14 remaining allegations in Paragraph 203, and therefore denies the allegations.

15 204. The allegations in Paragraph 204 of the Complaint contain characterizations,  
16 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
17 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
18 of the allegations in Paragraph 204, and therefore denies the allegations.

19 205. The allegations in Paragraph 205 of the Complaint contain characterizations and  
20 conclusions to which no responsive pleading is required. To the extent that a response is required,  
21 Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in  
22 Paragraph 205, and therefore denies the allegations.

23 206. The allegations in Paragraph 206 of the Complaint contain characterizations,  
24 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
25 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
26 of the allegations in Paragraph 206, and therefore denies the allegations.

27 207. Group lacks sufficient knowledge or information to form a belief as to the truth of  
28 the allegations in Paragraph 207 of the Complaint, and therefore denies the allegations.

1           208. The allegations in Paragraph 208 of the Complaint purport to quote or describe  
2 statements by the U.S. Department of Justice. Group states that the original statements are the best  
3 source for their full content and context. To the extent that a response is required, Group lacks  
4 sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph  
5 208, and therefore denies the allegations.

6           209. The allegations in Paragraph 209 of the Complaint purport to quote or describe  
7 statements by other defendants. Group states that the original statements are the best source for their  
8 full content and context. To the extent that a response is required, Group lacks sufficient knowledge  
9 or information to form a belief as to the truth of the allegations in Paragraph 209, and therefore  
10 denies the allegations.

11           210. The allegations in Paragraph 210 of the Complaint purport to quote or describe  
12 statements by the Kyodo News. Group states that the original statements are the best source for their  
13 full content and context. To the extent that a response is required, Group lacks sufficient knowledge  
14 or information to form a belief as to the truth of the allegations in Paragraph 210, and therefore  
15 denies the allegations.

16           211. The allegations in Paragraph 211 of the Complaint purport to quote or describe  
17 statements by the Kyodo News. Group states that the original statements are the best source for their  
18 full content and context. To the extent that a response is required, Group lacks sufficient knowledge  
19 or information to form a belief as to the truth of the allegations in Paragraph 211, and therefore  
20 denies the allegations.

21           212. Group lacks sufficient knowledge or information to form a belief as to the truth of  
22 the remaining allegations in Paragraph 212 of the Complaint, and therefore denies the allegations.

23           213. The allegations in Paragraph 213 of the Complaint purport to quote or describe  
24 statements by the Asian Shimbun. Group states that the original statements are the best source for  
25 their full content and context. To the extent that a response is required, Group lacks sufficient  
26 knowledge or information to form a belief as to the truth of the allegations in Paragraph 213, and  
27 therefore denies the allegations.

1           214. The allegations in Paragraph 214 of the Complaint purport to quote or describe  
2 statements by other defendants. Group states that the original statements are the best source for their  
3 full content and context. To the extent that a response is required, Group lacks sufficient knowledge  
4 or information to form a belief as to the truth of the allegations in Paragraph 214, and therefore  
5 denies the allegations.

6           215. The allegations in Paragraph 215 of the Complaint purport to quote or describe  
7 statements by other defendants. Group states that the original statements are the best source for their  
8 full content and context. To the extent that a response is required, Group lacks sufficient knowledge  
9 or information to form a belief as to the truth of the allegations in Paragraph 215, and therefore  
10 denies the allegations.

11           216. The allegations in Paragraph 216 of the Complaint purport to quote or describe an  
12 announcement from the Hungarian Competition Authority. Group states that the original  
13 announcement is the best source for its full content and context. To the extent a response is required,  
14 Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations in  
15 Paragraph 216 and therefore denies the allegations.

16           217. The allegations in Paragraph 217 of the Complaint contain characterizations,  
17 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
18 response is required, Group denies all allegations in Paragraph 217 that are directed at Group. Group  
19 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
20 in Paragraph 217, and therefore denies the allegations.

21           218. The allegations in Paragraph 218 of the Complaint contain characterizations,  
22 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
23 response is required, Group denies all allegations in Paragraph 218 that are directed at Group. Group  
24 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
25 in Paragraph 218, and therefore denies the allegations.

26           219. Group lacks sufficient knowledge or information to form a belief as to the truth of  
27 the allegations in Paragraph 219 of the Complaint, and therefore denies the allegations.  
28

1           220. The allegations in Paragraph 220 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. To the extent that a  
3 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
4 of the allegations, and therefore denies the allegations.

5           221. The allegations in Paragraph 221 of the Complaint purport to quote or describe  
6 unidentified news reports. Group states that the original reports are the best source for their full  
7 content and context. To the extent a response is required, Group lacks sufficient knowledge or  
8 information to form a belief as to the truth of the allegations, and therefore denies the allegations.

9           222. The allegations in Paragraph 222 of the Complaint purport to quote or describe  
10 statements by the U.S. Department of Justice. Group states that the original statements are the best  
11 source for their full content and context. To the extent a response is required, Group lacks sufficient  
12 knowledge or information to form a belief as to the truth of the allegations, and therefore denies the  
13 allegations.

14           223. The allegations in Paragraph 223 of the Complaint purport to quote or describe  
15 statements by the U.S. Department of Justice. Group states that the original statements are the best  
16 source for their full content and context. To the extent a response is required, Group lacks sufficient  
17 knowledge or information to form a belief as to the truth of the allegations, and therefore denies the  
18 allegations.

19           224. Group lacks sufficient knowledge or information to form a belief as to the truth of  
20 the allegations in Paragraph 224 of the Complaint, and therefore denies the allegations.

21           **IX. THE PASS-THROUGH OF OVERCHARGES TO CONSUMERS**

22           225. The allegations in Paragraph 225 of the Complaint contain characterizations,  
23 conclusions, and legal argument to which no responsive pleading is required. Certain allegations in  
24 Paragraph 225 purport to quote or describe statements by the U.S. Department of Justice. Group  
25 states that the original statements are the best source for their full content and context. To the extent  
26 a response is required, Group denies all allegations in Paragraph 225 that are directed at Group.  
27 Group lacks sufficient knowledge or information to form a belief as to the truth of the remaining  
28 allegations in Paragraph 225, and therefore denies the allegations.



1           226. The allegations in Paragraph 226 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
3 response is required, Group denies all allegations in Paragraph 226 that are directed at Group. Group  
4 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
5 in Paragraph 226, and therefore denies the allegations.

6           227. Group lacks sufficient knowledge or information to form a belief as to the truth of  
7 the allegations in Paragraph 227 of the Complaint, and therefore denies the allegations.

8           228. The allegations in Paragraph 228 of the Complaint contain characterizations,  
9 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
10 response is required, Group denies all allegations in Paragraph 228 that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 228, and therefore denies the allegations.

13           229. The allegations in Paragraph 229 of the Complaint contain characterizations,  
14 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
15 response is required, Group denies all allegations in Paragraph 229 that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 229, and therefore denies the allegations.

18           230. The allegations in Paragraph 230 of the Complaint contain characterizations,  
19 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
20 response is required, as to the allegations in the first three sentences of Paragraph 230 of the  
21 Complaint, Group lacks sufficient knowledge or information to form a belief as to the truth of the  
22 allegations, and therefore denies the allegations. As to the last sentence in Paragraph 230, Group  
23 denies all allegations that are directed at Group. Group lacks sufficient knowledge or information to  
24 form a belief as to the truth of the remaining allegations, and therefore denies the allegations.

25           231. The allegations in Paragraph 231 of the Complaint contain characterizations,  
26 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
27 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
28 of the allegations in Paragraph 231 of the Complaint, and therefore denies the allegations.



1           232. The allegations in Paragraph 232 of the Complaint contain characterizations,  
2 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
3 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
4 of the allegations in Paragraph 232 of the Complaint, and therefore denies the allegations.

5           233. The allegations in Paragraph 233 of the Complaint contain characterizations,  
6 conclusions, and legal argument to which no responsive pleading is required. Certain allegations in  
7 Paragraph 233 purport to quote or describe economic and legal literature. Group states that the  
8 original publications are the best source for their full content and context. To the extent a response  
9 is required, Group lacks sufficient knowledge or information to form a belief as to the truth of the  
10 allegations in Paragraph 233, and therefore denies the allegations.

11           234. The allegations in Paragraph 234 of the Complaint contain characterizations,  
12 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
13 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
14 of the allegations in Paragraph 234, and therefore denies the allegations.

15           235. The allegations in Paragraph 235 of the Complaint contain characterizations,  
16 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
17 response is required, Group lacks sufficient knowledge or information to form a belief as to the truth  
18 of the allegations, and therefore denies the allegations.

19           236. The allegations in Paragraph 236 of the Complaint contain characterizations,  
20 conclusions, and legal argument to which no responsive pleading is required. The allegations in  
21 Paragraph 236 purport to quote or describe statements by CDW. Group states that the original  
22 statements are the best source for their full content and context. To the extent a response is required,  
23 Group lacks sufficient knowledge or information to form a belief as to the truth of the allegations,  
24 and therefore denies the allegations.

25           237. The allegations in Paragraph 237 of the Complaint purport to quote or describe  
26 statements in economic and legal literature. Group states that the original statements are the best  
27 source for their full content and context. To the extent a response is required, Group lacks sufficient  
28

1 knowledge or information to form a belief as to the truth of the allegations in Paragraph 237, and  
2 therefore denies the allegations.

3 238. The allegations in Paragraph 238 of the Complaint purport to quote or describe  
4 statements by two antitrust scholars. Group states that the original statements are the best source for  
5 their full content and context. To the extent a response is required, Group lacks sufficient knowledge  
6 or information to form a belief as to the truth of the allegations in Paragraph 238, and therefore  
7 denies the allegations.

8 239. The allegations in Paragraph 239 of the Complaint purport to quote or describe  
9 statements by Professor Jeffrey McKie-Mason. Group states that the original statements are the best  
10 source for their full content and context. To the extent a response is required, Group lacks sufficient  
11 knowledge or information to form a belief as to the truth of the allegations in Paragraph 239, and  
12 therefore denies the allegations.

13 240. The allegations in Paragraph 240 of the Complaint contain characterizations,  
14 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
15 response is required, Group denies all allegations in Paragraph 240 that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 240, and therefore denies the allegations.

18 241. The allegations in Paragraph 241 of the Complaint contain characterizations,  
19 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
20 response is required, Group denies all allegations in Paragraph 241 that are directed at Group. Group  
21 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
22 in Paragraph 241, and therefore denies the allegations.

23 242. The allegations in Paragraph 242 of the Complaint contain characterizations,  
24 conclusions, and legal argument to which no responsive pleading is required. To the extent a  
25 response is required, Group denies all allegations in Paragraph 242 that are directed at Group. Group  
26 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
27 in Paragraph 242, and therefore denies the allegations.

**X. CLASS ACTION ALLEGATIONS**

243. Group admits that Plaintiffs purport to bring this case as a class action on behalf of the persons described in Paragraph 243 of the Complaint, but Group denies that class action treatment is appropriate.

244. Group admits that Plaintiffs purport to bring this case as a class action on behalf of the persons described in Paragraph 244 of the Complaint, but Group denies that class action treatment is appropriate.

245. Group admits that Plaintiffs purport to bring this case as a class action on behalf of the persons described in Paragraph 245 of the Complaint, but Group denies that class action treatment is appropriate.

246. Group denies the allegations in Paragraph 246 of the Complaint, including the allegations in each subpart. Group further denies that this action is appropriate under Rule 23 of the Federal Rules of Civil Procedure.

**XI. VIOLATIONS ALLEGED**

247. Group repeats and incorporates by reference its responses to Paragraphs 1 through 246 of the Complaint as if fully set forth herein.

248. The allegations in Paragraph 248 of the Complaint contain legal contentions and/or conclusions to which no response is required. To the extent a response is required, Group denies all allegations in Paragraph 248 that are directed at Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 248, and therefore denies the allegations.

249. The allegations in Paragraph 249 of the Complaint contain legal contentions and/or conclusions to which no response is required. To the extent a response is required, Group denies all allegations in Paragraph 249 that are directed at Group. Group lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 249, and therefore denies the allegations.

250. The allegations in Paragraph 250 of the Complaint contain legal contentions and/or conclusions to which no response is required. To the extent a response is required, Group denies all

1 allegations in Paragraph 250 that are directed at Group. Group lacks sufficient knowledge or  
2 information to form a belief as to the truth of the remaining allegations in Paragraph 250, and  
3 therefore denies the allegations.

4 251. The allegations in Paragraph 251 of the Complaint contain legal contentions and/or  
5 conclusions to which no response is required. To the extent a response is required, Group denies all  
6 allegations in Paragraph 251 that are directed at Group. Group lacks sufficient knowledge or  
7 information to form a belief as to the truth of the remaining allegations in Paragraph 251, and  
8 therefore denies the allegations.

9 252. The allegations in Paragraph 252 of the Complaint and its subparts contain legal  
10 contentions and/or conclusions to which no response is required. To the extent a response is required,  
11 Group denies all allegations in Paragraph 252 and its subparts that are directed at Group. Group  
12 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
13 in Paragraph 252 and its subparts, and therefore denies the allegations.

14 253. The allegations in Paragraph 253 of the Complaint and its subparts contain legal  
15 contentions and/or conclusions to which no response is required. To the extent a response is required,  
16 Group denies all allegations in Paragraph 253 and its subparts that are directed at Group. Group  
17 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
18 in Paragraph 253 and its subparts, and therefore denies the allegations.

19 254. The allegations in Paragraph 254 of the Complaint contain legal contentions and/or  
20 conclusions to which no response is required. To the extent a response is required, Group denies all  
21 allegations in Paragraph 254 that are directed at Group. Group lacks sufficient knowledge or  
22 information to form a belief as to the truth of the remaining allegations in Paragraph 254, and  
23 therefore denies the allegations.

24 255. The allegations in Paragraph 255 of the Complaint contain legal contentions and/or  
25 conclusions to which no response is required. To the extent a response is required, Group denies all  
26 allegations in Paragraph 255.

27 256. The allegations in Paragraph 256 of the Complaint contain legal contentions and/or  
28 conclusions to which no response is required. To the extent a response is required, Group denies all

1 allegations in Paragraph 256 that are directed at Group. Group lacks sufficient knowledge or  
2 information to form a belief as to the truth of the remaining allegations in Paragraph 256, and  
3 therefore denies the allegations.

4 257. Group repeats and incorporates by reference its responses to Paragraphs 1 through  
5 256 of the Complaint as if fully set forth herein.

6 258. The allegations in Paragraph 258 of the Complaint and its subparts contain legal  
7 contentions and/or conclusions to which no response is required. To the extent a response is required,  
8 Group denies all allegations in Paragraph 258 and its subparts that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 258 and its subparts, and therefore denies the allegations.

11 259. The allegations in Paragraph 259 of the Complaint and its subparts contain legal  
12 contentions and/or conclusions to which no response is required. To the extent a response is required,  
13 Group denies all allegations in Paragraph 259 and its subparts that are directed at Group. Group  
14 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
15 in Paragraph 259 and its subparts, and therefore denies the allegations.

16 260. The allegations in Paragraph 260 of the Complaint and its subparts contain legal  
17 contentions and/or conclusions to which no response is required. To the extent a response is required,  
18 Group denies all allegations in Paragraph 260 and its subparts that are directed at Group. Group  
19 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
20 in Paragraph 260 and its subparts, and therefore denies the allegations.

21 261. The allegations in Paragraph 261 of the Complaint and its subparts contain legal  
22 contentions and/or conclusions to which no response is required. To the extent a response is required,  
23 Group denies all allegations in Paragraph 261 and its subparts that are directed at Group. Group  
24 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
25 in Paragraph 261 and its subparts, and therefore denies the allegations.

26 262. The allegations in Paragraph 262 of the Complaint and its subparts contain legal  
27 contentions and/or conclusions to which no response is required. To the extent a response is required,  
28 Group denies all allegations in Paragraph 262 and its subparts that are directed at Group. Group

1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 in Paragraph 262 and its subparts, and therefore denies the allegations.

3         263. The allegations in Paragraph 263 of the Complaint and its subparts contain legal  
4 contentions and/or conclusions to which no response is required. To the extent a response is required,  
5 Group denies all allegations in Paragraph 263 and its subparts that are directed at Group. Group  
6 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
7 in Paragraph 263 and its subparts, and therefore denies the allegations.

8         264. The allegations in Paragraph 264 of the Complaint and its subparts contain legal  
9 contentions and/or conclusions to which no response is required. To the extent a response is required,  
10 Group denies all allegations in Paragraph 264 and its subparts that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 264 and its subparts, and therefore denies the allegations.

13         265. The allegations in Paragraph 265 of the Complaint and its subparts contain legal  
14 contentions and/or conclusions to which no response is required. To the extent a response is required,  
15 Group denies all allegations in Paragraph 265 and its subparts that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 265 and its subparts, and therefore denies the allegations.

18         266. The allegations in Paragraph 266 of the Complaint and its subparts contain legal  
19 contentions and/or conclusions to which no response is required. To the extent a response is required,  
20 Group denies all allegations in Paragraph 266 and its subparts that are directed at Group. Group  
21 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
22 in Paragraph 266 and its subparts, and therefore denies the allegations.

23         267. The allegations in Paragraph 267 of the Complaint and its subparts contain legal  
24 contentions and/or conclusions to which no response is required. To the extent a response is required,  
25 Group denies all allegations in Paragraph 267 and its subparts that are directed at Group. Group  
26 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
27 in Paragraph 267 and its subparts, and therefore denies the allegations.  
28

1           268. The allegations in Paragraph 268 of the Complaint and its subparts contain legal  
2 contentions and/or conclusions to which no response is required. To the extent a response is required,  
3 Group denies all allegations in Paragraph 268 and its subparts that are directed at Group. Group  
4 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
5 in Paragraph 268 and its subparts, and therefore denies the allegations.

6           269. The allegations in Paragraph 269 of the Complaint and its subparts contain legal  
7 contentions and/or conclusions to which no response is required. To the extent a response is required,  
8 Group denies all allegations in Paragraph 269 and its subparts that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 269 and its subparts, and therefore denies the allegations.

11           270. The allegations in Paragraph 270 of the Complaint and its subparts contain legal  
12 contentions and/or conclusions to which no response is required. To the extent a response is required,  
13 Group denies all allegations in Paragraph 270 and its subparts that are directed at Group. Group  
14 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
15 in Paragraph 270 and its subparts, and therefore denies the allegations.

16           271. The allegations in Paragraph 271 of the Complaint and its subparts contain legal  
17 contentions and/or conclusions to which no response is required. To the extent a response is required,  
18 Group denies all allegations in Paragraph 271 and its subparts that are directed at Group. Group  
19 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
20 in Paragraph 271 and its subparts, and therefore denies the allegations.

21           272. The allegations in Paragraph 272 of the Complaint and its subparts contain legal  
22 contentions and/or conclusions to which no response is required. To the extent a response is required,  
23 Group denies all allegations in Paragraph 272 and its subparts that are directed at Group. Group  
24 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
25 in Paragraph 272 and its subparts, and therefore denies the allegations.

26           273. The allegations in Paragraph 273 of the Complaint and its subparts contain legal  
27 contentions and/or conclusions to which no response is required. To the extent a response is required,  
28 Group denies all allegations in Paragraph 273 and its subparts that are directed at Group. Group



1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 in Paragraph 273 and its subparts, and therefore denies the allegations.

3       274. The allegations in Paragraph 274 of the Complaint and its subparts contain legal  
4 contentions and/or conclusions to which no response is required. To the extent a response is required,  
5 Group denies all allegations in Paragraph 274 and its subparts that are directed at Group. Group  
6 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
7 in Paragraph 274 and its subparts, and therefore denies the allegations.

8       275. The allegations in Paragraph 275 of the Complaint and its subparts contain legal  
9 contentions and/or conclusions to which no response is required. To the extent a response is required,  
10 Group denies all allegations in Paragraph 275 and its subparts that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 275 and its subparts, and therefore denies the allegations.

13       276. The allegations in Paragraph 276 of the Complaint and its subparts contain legal  
14 contentions and/or conclusions to which no response is required. To the extent a response is required,  
15 Group denies all allegations in Paragraph 276 and its subparts that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 276 and its subparts, and therefore denies the allegations.

18       277. The allegations in Paragraph 277 of the Complaint and its subparts contain legal  
19 contentions and/or conclusions to which no response is required. To the extent a response is required,  
20 Group denies all allegations in Paragraph 277 and its subparts that are directed at Group. Group  
21 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
22 in Paragraph 277 and its subparts, and therefore denies the allegations.

23       278. The allegations in Paragraph 278 of the Complaint and its subparts contain legal  
24 contentions and/or conclusions to which no response is required. To the extent a response is required,  
25 Group denies all allegations in Paragraph 278 and its subparts that are directed at Group. Group  
26 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
27 in Paragraph 278 and its subparts, and therefore denies the allegations.

1           279. Group repeats and incorporates by reference its responses to Paragraphs 1 through  
2 278 of the Complaint as if fully set forth herein.

3           280. The allegations in Paragraph 280 of the Complaint contain legal contentions and/or  
4 conclusions to which no response is required. To the extent a response is required, Group denies all  
5 allegations in Paragraph 280 that are directed at Group. Group lacks sufficient knowledge or  
6 information to form a belief as to the truth of the remaining allegations in Paragraph 280, and  
7 therefore denies the allegations.

8           281. The allegations in Paragraph 281 of the Complaint and its subparts contain legal  
9 contentions and/or conclusions to which no response is required. To the extent a response is required,  
10 Group denies all allegations in Paragraph 281 and its subparts that are directed at Group. Group  
11 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
12 in Paragraph 281 and its subparts, and therefore denies the allegations.

13           282. The allegations in Paragraph 282 of the Complaint and its subparts contain legal  
14 contentions and/or conclusions to which no response is required. To the extent a response is required,  
15 Group denies all allegations in Paragraph 282 and its subparts that are directed at Group. Group  
16 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
17 in Paragraph 282 and its subparts, and therefore denies the allegations.

18           283. The allegations in Paragraph 283 of the Complaint and its subparts contain legal  
19 contentions and/or conclusions to which no response is required. To the extent a response is required,  
20 Group denies all allegations in Paragraph 3and its subparts that are directed at Group. Group lacks  
21 sufficient knowledge or information to form a belief as to the truth of the remaining allegations in  
22 Paragraph 283 and its subparts, and therefore denies the allegations.

23           284. The allegations in Paragraph 284 of the Complaint and its subparts contain legal  
24 contentions and/or conclusions to which no response is required. To the extent a response is required,  
25 Group denies all allegations in Paragraph 284 and its subparts that are directed at Group. Group  
26 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
27 in Paragraph 284 and its subparts, and therefore denies the allegations.  
28

1           285. The allegations in Paragraph 285 of the Complaint and its subparts contain legal  
2 contentions and/or conclusions to which no response is required. To the extent a response is required,  
3 Group denies all allegations in Paragraph 285 and its subparts that are directed at Group. Group  
4 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
5 in Paragraph 285 and its subparts, and therefore denies the allegations.

6           286. The allegations in Paragraph 286 of the Complaint and its subparts contain legal  
7 contentions and/or conclusions to which no response is required. To the extent a response is required,  
8 Group denies all allegations in Paragraph 286 and its subparts that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 286 and its subparts, and therefore denies the allegations.

11           287. The allegations in Paragraph 287 of the Complaint and its subparts contain legal  
12 contentions and/or conclusions to which no response is required. To the extent a response is required,  
13 Group denies all allegations in Paragraph 287 and its subparts that are directed at Group. Group  
14 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
15 in Paragraph 287 and its subparts, and therefore denies the allegations.

16           288. The allegations in Paragraph 288 of the Complaint and its subparts contain legal  
17 contentions and/or conclusions to which no response is required. To the extent a response is required,  
18 Group denies all allegations in Paragraph 288 and its subparts that are directed at Group. Group  
19 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
20 in Paragraph 288 and its subparts, and therefore denies the allegations.

21           289. Group repeats and incorporates by reference its responses to Paragraphs 1 through  
22 288 of the Complaint as if fully set forth herein.

23           290. The allegations in Paragraph 290 of the Complaint contain legal contentions and/or  
24 conclusions to which no response is required. To the extent a response is required, Group denies all  
25 allegations in Paragraph 290 that are directed at Group. Group lacks sufficient knowledge or  
26 information to form a belief as to the truth of the remaining allegations in Paragraph 290, and  
27 therefore denies the allegations.

1           291. The allegations in Paragraph 291 of the Complaint contain legal contentions and/or  
2 conclusions to which no response is required. To the extent a response is required, Group denies all  
3 allegations in Paragraph 291 that are directed at Group. Group lacks sufficient knowledge or  
4 information to form a belief as to the truth of the remaining allegations in Paragraph 291, and  
5 therefore denies the allegations.

6           292. The allegations in Paragraph 292 of the Complaint and its subparts contain legal  
7 contentions and/or conclusions to which no response is required. To the extent a response is required,  
8 Group denies all allegations in Paragraph 292 and its subparts that are directed at Group. Group  
9 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
10 in Paragraph 292 and its subparts, and therefore denies the allegations.

## 11                                   **XII. FRAUDULENT CONCEALMENT**

12           293. The allegations in Paragraph 293 of the Complaint contain legal contentions and/or  
13 conclusions to which no response is required. To the extent a response is required, Group denies all  
14 allegations in Paragraph 293 that are directed at Group. Group lacks sufficient knowledge or  
15 information to form a belief as to the truth of the remaining allegations in Paragraph 293, and  
16 therefore denies the allegations.

17           294. The allegations in Paragraph 294 of the Complaint contain legal contentions and/or  
18 conclusions to which no response is required. To the extent a response is required, Group denies all  
19 allegations in Paragraph 294 that are directed at Group. Group lacks sufficient knowledge or  
20 information to form a belief as to the truth of the remaining allegations in Paragraph 294, and  
21 therefore denies the allegations.

22           295. The allegations in Paragraph 295 of the Complaint and its subparts contain legal  
23 contentions and/or conclusions to which no response is required. To the extent a response is required,  
24 Group denies all allegations in Paragraph 295 and its subparts that are directed at Group. Group  
25 lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
26 in Paragraph 295 and its subparts, and therefore denies the allegations.

27           296. The allegations in Paragraph 296 of the Complaint contain legal contentions and/or  
28 conclusions to which no response is required. To the extent a response is required, Group denies all

1 allegations in Paragraph 296 that are directed at Group. Group lacks sufficient knowledge or  
2 information to form a belief as to the truth of the remaining allegations in Paragraph 296, and  
3 therefore denies the allegations.

#### 4 **XIII. PRAYER FOR RELIEF**

5 Group denies that Plaintiffs suffered any injury or incurred any damages by any act or  
6 omission of Group as alleged in the Complaint, and further denies that Plaintiffs are entitled to any  
7 relief under any theory by means of the allegations set forth in each of the paragraphs and their  
8 subparts in the Complaint.

#### 9 **XIV. JURY DEMAND**

10 The allegations set forth under the heading “Jury Trial Demanded” contain no factual  
11 assertions for which a response is required. To the extent that a response is required, Group denies  
12 the allegations contained under the heading “Jury Trial Demanded.”

#### 13 **DEFENSES**

14 Group does not intend to waive, and hereby expressly reserves, its ability to present evidence  
15 that Plaintiffs cannot meet their burden of proof to establish each element of their claims, including  
16 causation and damages, and to amend this Answer as necessary. Without assuming any burden it  
17 would not otherwise bear, Group asserts the following additional and/or affirmative defenses to  
18 Plaintiffs’ Complaint:

##### 19 **FIRST DEFENSE**

##### 20 **(Failure to State a Claim)**

21 The Complaint fails to state a claim upon which relief can be granted.

##### 22 **SECOND DEFENSE**

##### 23 **(Failure to State a Claim Under the Foreign Trade Antitrust Improvements Act)**

24 Plaintiffs’ claims for any foreign purchases, if any, should be dismissed to the extent that  
25 they are barred, in whole or in part, because Plaintiffs have failed to allege facts sufficient to support  
26 a claim under the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a.

**THIRD DEFENSE****(Conduct Outside of the United States)**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, because the alleged conduct of Group that is the subject of the Complaint either occurred outside the jurisdiction of the Court or was neither directed to nor affected persons, entities, trade or commerce in the United States, or both.

**FOURTH DEFENSE****(Vagueness of Claims)**

Plaintiffs' claims should be dismissed for uncertainty and vagueness and because their claims are ambiguous, and/or unintelligible. Group avers that Plaintiffs' claims do not describe the events or legal theories with sufficient particularity to permit Group to ascertain what other defenses may exist. Group therefore reserves the right to amend its Answer to assert additional defenses and/or supplement, alter, or change its Answer and/or defenses upon the discovery of more definitive facts upon the completion of its investigation and discovery.

**FIFTH DEFENSE****(Failure to Allege Fraud or Fraudulent Conspiracy with Particularity)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, because Plaintiffs have failed to allege fraud or fraudulent concealment with sufficient particularity.

**SIXTH DEFENSE****(Failure to Plead Conspiracy with Particularity)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, because Plaintiffs have failed to allege conspiracy with sufficient particularity.

**SEVENTH DEFENSE****(Statute of Limitation)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, by the applicable statute(s) of limitations.

**EIGHTH DEFENSE****(Unilateral Action)**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, because the actions or practices of Group that are the subject of the Complaint were undertaken unilaterally for legitimate business reasons and in pursuit of Group's independent interests and those of its customers, and were not the product of any contract, combination or conspiracy between Group and any other person or entity.

**NINTH DEFENSE****(No Antitrust Injury)**

Plaintiffs' claims and claims of any putative class members are barred, in whole or in part, because Plaintiffs and/or certain members of the putative classes have failed to allege "antitrust injury" – i.e., injury that is of the type the antitrust laws were intended to remedy.

**TENTH DEFENSE****(Competition)**

Plaintiffs' claims and claims of any putative class members are barred, in whole or in part, because any acts or practices of Group that are the subject of the Complaint were cost justified or otherwise economically justified and resulted from a good faith effort to meet competition or market conditions.

**ELEVENTH DEFENSE****(Non-actionable or Governmental Privilege)**

Plaintiffs' claims are barred, in whole or in part, because the alleged conduct of Group that is the subject of the Complaint was caused by, due to, based upon, or in response to directives, laws, regulations, policies, and/or acts of governments, governmental agencies and entities, and/or regulatory agencies, and such is non-actionable or privileged.

**TWELFTH DEFENSE****(State Action)**

Plaintiffs' claims are barred, in whole or in part, because the alleged conduct of Group that is the subject of the Complaint was caused by or in response to duly enacted laws and/or regulations



1 of the People's Republic of China and is therefore protected under the foreign sovereign compulsion  
2 doctrine, the act of state doctrine, and international comity.

3 **THIRTEENTH DEFENSE**

4 **(No Act of Group)**

5 Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part,  
6 because no plaintiff has been injured in its business or property by reason of any action of Group.

7 **FOURTEENTH DEFENSE**

8 **(Intervening Conduct)**

9 Plaintiffs' claims and claims of any putative class members are barred, in whole or in part,  
10 because any alleged injuries and/or damages were not legally or proximately caused by any acts or  
11 omissions of Group and/or were caused, if at all, solely and proximately by the conduct of third  
12 parties including, without limitations, the prior, intervening or superseding conduct of such third  
13 parties.

14 **FIFTEENTH DEFENSE**

15 **(Ultra Vires)**

16 To the extent that any actionable conduct occurred, Plaintiffs claims and the claims of any  
17 putative class members against Group are barred because all such conduct would have been  
18 committed by individuals acting *ultra vires*.

19 **SIXTEENTH DEFENSE**

20 **(Damages Passed On)**

21 Plaintiffs' claims should be dismissed to the extent they are barred, in whole or in part,  
22 because any injury or damage alleged in the Complaint, which Group specifically denies, was passed  
23 on to persons or entities other than the Plaintiffs and/or was passed on by Plaintiffs to other parties.

24 **SEVENTEENTH DEFENSE**

25 **(Legal Acts)**

26 Plaintiffs' claims are barred, in whole or in part, to the extent they are based on alleged acts,  
27 conduct or statements that are specifically permitted by law.

**EIGHTEENTH DEFENSE****(Failure to Mitigate Damages)**

Plaintiffs' claims should be dismissed, in whole or in part, because Plaintiffs and/or certain members of the putative class failed to take all necessary, reasonable, and appropriate actions to mitigate their alleged damages, if any.

**NINETEENTH DEFENSE****(Unjust Enrichment)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, because Plaintiffs and/or certain members of the putative class would be unjustly enriched if they were allowed to recover any part of the damages alleged in the Amended Complaint.

**TWENTIETH DEFENSE****(Set Off)**

Without admitting that Plaintiffs are entitled to recover damages in this matter, Group is entitled to set off from any recovery Plaintiffs may obtain against Group any amount paid to Plaintiffs by any other Defendants who have settled, or do settle, Plaintiffs' claims in this matter.

**TWENTY-FIRST DEFENSE****(Withdrawal)**

To the extent that any actionable conduct occurred for which Group is liable, some or all of Plaintiffs' claims against Group are barred because Group withdrew from and/or abandoned any alleged conspiracy and thus Plaintiffs cannot establish liability or compensable damages as a matter of law on the basis that, among other things, Group withdrew and/or abandoned any alleged conspiracy prior to the commencement of the limitations period set forth in applicable statutes of limitations.

**TWENTY-SECOND DEFENSE****(Waiver and Estoppel)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, by the doctrines of waiver and/or estoppel.

**TWENTY-THIRD DEFENSE****(Laches)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, by the equitable doctrine of laches.

**TWENTY-FOURTH DEFENSE****(Unclean Hands)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, by the equitable doctrine of unclean hands.

**TWENTY-FIFTH DEFENSE****(Acquiescence)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, by Plaintiffs' and/or certain members of the putative class acquiescence and/or confirmation of any and all conduct and/or omissions alleged as to Group.

**TWENTY-SIXTH DEFENSE****(Accord and Satisfaction)**

Plaintiffs' claims are barred, in whole or in part, by the doctrine of accord and satisfaction.

**TWENTY-SEVENTH DEFENSE****(*Forum Non Conveniens*)**

The Amended Complaint should be dismissed on the grounds of *forum non conveniens*.

**TWENTY-EIGHTH DEFENSE****(Improper Forum/Arbitration)**

Plaintiffs' claims and claims of any putative class members against Group are barred to the extent that they have agreed to arbitration or chosen a different forum for the resolution of their claims.

**TWENTY-NINTH DEFENSE****(Adequate Remedy at Law)**

Plaintiffs' claims for injunctive relief should be dismissed because Plaintiffs and/or certain members of the putative class have available an adequate remedy at law.

**THIRTIETH DEFENSE****(Failure to Join Indispensable Parties)**

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, for failure to join indispensable parties.

**THIRTY-FIRST DEFENSE****(Due Process)**

Plaintiffs' claims and claims of any putative class members are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate Group's rights guaranteed by the Due Process clause of the Fifth Amendment of the United States Constitution.

**THIRTY-SECOND DEFENSE****(Due Process)**

Plaintiffs' claims and claims of any putative class members are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate Group's rights guaranteed by the Due Process provision of the Fourteenth Amendment of the United States Constitution.

**THIRTY-THIRD DEFENSE****(Equal Protection)**

Plaintiffs' claims and claims of any putative class members are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate Group's rights guaranteed by the Equal Protection provision of the Fourteenth Amendment of the United States Constitution.

**THIRTY-FOURTH DEFENSE****(Double Jeopardy)**

Plaintiffs' claims and claims of any putative class members are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate Group's rights guaranteed by the Double Jeopardy Clause of the Fifth Amendment of the United States Constitution.

**THIRTY-FIFTH DEFENSE****(Excessive Fines)**

Plaintiffs' claims and claims of any putative class members are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate Group's rights guaranteed by the Excessive Fines provision of the Eighth Amendment of the United States Constitution.

**THIRTY-SIXTH DEFENSE****(Unconstitutional Multiplicity)**

To the extent any recovery by Plaintiffs or members of the putative class would be duplicative of recovery by other plaintiffs and other lawsuits, subjecting Group to the possibility of multiple recoveries, such recovery is barred by the Fifth and Eighth Amendments to the United States Constitution.

**THIRTY-SEVENTH DEFENSE****(Foreign Sales)**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs may not recover damages, if any, based on sales outside of the United States.

**THIRTY-EIGHTH DEFENSE****(Uncertainty of Damages)**

Plaintiffs' claims should be dismissed because the alleged damages sought are too speculative and uncertain, and cannot be practicably ascertained or allocated.

**THIRTY-NINTH DEFENSE****(Improper Taking)**

Any award of restitution or monetary recovery pursuant to California Business and Professions §§ 17200, et seq. would constitute a taking of property without just compensation in violation of the Takings Clause of the U.S. Constitution and of Article 1, Section 19 of the California Constitution.

**FORTIETH DEFENSE**

**(Failure to Plead Damages With Specificity)**

Plaintiffs' claims are barred, in whole or in part, to the extent Plaintiffs have failed to plead special damages with specificity as required by the laws of the various States cited.

**FORTY-FIRST DEFENSE**

**(Damages Not Passed Through to Plaintiffs)**

Plaintiffs' claims should be dismissed to the extent they are barred, in whole or in part, because any injury or damage alleged in the Complaint was not incurred by or passed on to Plaintiffs, or was incurred by or passed on to persons or entities other than Plaintiffs.

**FORTY-SECOND DEFENSE**

**(Other Defenses Incorporated by Reference)**

Group adopts and incorporates by reference any and all other additional or affirmative defenses asserted or to be asserted by any other defendants.

**FORTY-THIRD DEFENSE**

**(Reservation of Rights to Assert Defenses)**

Group has not knowingly or intentionally waived any applicable defenses and explicitly reserves the right to assert and rely on such other applicable defenses as may become available or apparent during discovery proceedings. Group further reserves the right to amend its Answer and/or its defenses accordingly, and/or to delete defenses that it determines are not applicable during the course of subsequent discovery.

**WHEREFORE,** Group prays as follows:

1. That the Plaintiffs take nothing by way of the Complaint and the Complaint be dismissed with prejudice;
2. That judgment be entered in favor of Group and against Plaintiffs on each and every cause of action set forth in the Complaint;
3. That Group recover its costs of suit and attorneys' fees incurred herein; and

